IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

CRP.No. 465 of 2007(A)

AGAINST THE ORDER DATED 25/08/2005 IN EA.74/05 IN EP.185/97 IN LAR.71/1983 of SUB COURT, PATHANAMTHITTA

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REVN. PETITIONER: JUDGEMENT DEBTOR

THE DEPUTY COLLECTOR, L.A.,
K.S.E.B., THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENTS: DECREE-HOLDER
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1. **BHASKARAN NAIR KARUNAKARAN NAIR,**
   PUTHIATHU VEEDU, VADASSERIKKARAMURI & VILLAGE.

2. **KRISHNAN NAIR, PARAMESWARAN NAIR,**
   THONIKKADAVIL VEETTIL, KAKKADUMURI,
   PERUNADU VILLAGE.

R1 AND R2 BY ADV. SRI. V.N. ACHUTHA KURUP(SR.)
BY ADV. SRI.B.S.SWATHY KUMAR
SRI.K.HARILAL
SRI.BINDU SREEKUMAR
SRI.K.G.RENGANATH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 465 OF 2007

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Dated this the 17 th day of October, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge, Pathanamthitta whereby he had ordered attachment of the property. The contention of the K.S.E.B. is to the effect that no further amount is due from K.S.E.B. to the claimant and therefore attachment is not necessary and the execution petition is only bound to be closed. Along with C.M.Appln.993/07 they have also produced a statement whereby they would contend that an amount of Rs.57,391.53 is deposited by them in excess of the award amount. An opportunity has to be given to the claimant/decree holder to meet this statement and he must also be permitted to file a statement stating what is the correct amount due according to him. Both the statements have to be considered and the Court has to arrive at a decision. Therefore, for enabling the parties to do the same,

I set aside the order of the Court below and direct the Court below to consider the statement filed by the K.S.E.B. and t e statement to be filed by the civil revision petitioner, fix t e amount, give a reasonable time, if there is deficiency in de osit, to deposit the amount and thereafter proceed in accor ance with law. The civil revision petitioner will file a fresh statement before the executing Court with a copy to the other side and the decree holder also can file a statement with copy to the K.S.E.B. for consideration. Parties are direc ed appear before the Court below on 17.11.07.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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